

**BOARD OF SELECTMEN MINUTES
FEBRUARY 3, 2011**

Chairman George Infanti called the meeting to order at 6:37 p.m. Selectmen present: James O'Mara, Dwight Brew and Thomas Grella. Also present: Town Administrator Gary MacGuire and Executive Assistant Sharon Frydlo.

Citizens' Forum

There were no comments, questions or concerns from the audience.

Anti-Litter Initiative

George Coddington, Upham Road, asked to set the tone for the TV folks by reading from the October 25, 2010 minutes he attended: (1) Consider, on behalf of the Town, some kind of statement or slogan. Something that says they are not going to put up with littering because they have pride in the Town. (2) Consider "No Littering" signs on 16 roads with substantial fines. He would like to see something visible that might be helpful. He indicated he would personally raise the funds along with some other support. (3) He would like to see the Board consider an ordinance about using a tarp to cover trash, if using a pickup truck, since he has seen a lot of litter escaping from them.

One of the things he had done was talk to Maggie Paul at Souhegan, the students came up with ten slogans and he asked the Board to look them over. He was looking to the next step in order to put this into action. They had talked about some official signage on Amherst roads and the Board had talked about having a friendly slogan with the fine underneath it.

Mr. Infanti believed a sign has been put up at the Recycling Center. According to Bruce Berry, a sign would be approximately \$100 and up to him where it would be put. Mr. MacGuire added it was put up at the entrance, however, he was unsure of the exact language. Mr. Infanti noted that another suggestion was to possibly use the big reader board near the large shed where there used to be advertisements. He was concerned about 16 signs on Town roads, as there are people in Town that don't want any signs anywhere. Currently the sign is at the Recycling Center and they may even want to change the slogans. Mr. Coddington suggested the Selectmen pick a slogan and have signs put wherever there is litter, such as PMEC or the walking trails. Mr. Infanti remarked that there were some great slogans and the students did a terrific job.

Mr. Coddington indicated the sign at the Transfer Station was a good start, but asked about enforcement and could the people at the dump do this. Mr. Infanti advised that not everybody is hospitable and it is apparent from the responses those folks receive. Mr. Coddington thought maybe signage would help. Mr. Infanti noted that Bruce Bowler was on the Recycling Committee and he apologizes that he could not be at the meeting. He added they will look at one or two slogans, get input from the Board members and take the next step. Mr. O'Mara asked if it was possible to have the ordinance for the next meeting and he knew it takes into consideration any type of earth products, but perhaps they could make an amendment to include trash-type products. If they could review it, and then discuss it further. Mr. MacGuire suggested that it would be a good idea to invite Peter Lyon in to review some of the strengths or weaknesses of some of their ordinances. He told Mr. O'Mara that he thought the fine was \$288 and a set fine like a speeding ticket. If someone went before a Judge, the fine may be higher or lower depending if someone saw something flying out from a vehicle or if it was evidence found inside a bag.

Relative to the 16 signs, Mr. Coddington mentioned that he had lived in Vermont and they have tasteful signs and something like this may help. He didn't know how costly this would be and indicated he would be happy to raise some funds. He asked how the Board would recommend it be done. Mr. Infanti

54 explained they would ask Director Berry to get them some numbers when he was finally caught up and
55 whose budget this would come out of. Mr. MacGuire added that legally they cannot attach a sign like this
56 to highway enforcement signs.

57
58 Mr. Coddington remarked that there were some people for it and some against it and he would be glad to
59 put together a petition. Mr. Infanti advised the Board could have a public hearing after they get through
60 with the budget process to get community input – he didn't believe they needed a petition. Mr.
61 Coddington suggested that they consider a small sign, like a speed limit one, nothing glaring, but
62 something that fits in a community-type vision done in a friendly way. Mr. Infanti suggested that they get
63 some numbers together and perhaps they can meet again in the middle of March. He appreciated Mr.
64 Coddington's patience and persistence.

65 66 **Amherst Garden Club's Request to Serve Wine on Buchanan Field**

67
68 Marti Warren and Denise Wilson met with the Board. Mrs. Warren told the Board that one of the things
69 the Garden Club did in the past was to hold a wine and cheese gathering the night before the garden tours
70 for the volunteers and they were not selling the wine. They were having this reception during the daylight
71 hours as a thank you to the volunteers and their spouses. The Conservation Commission has given them
72 permission to use Buchanan Field and had given their okay for the wine as well. Mr. MacGuire advised
73 they have a policy of not allowing alcohol consumption on Town property. ***Mr. O'Mara moved to***
74 ***authorize the Amherst Garden Club to serve wine to volunteers on the afternoon into the evening of***
75 ***June 15, 2011, second by Mr. Grella. Vote: Unanimous.***

76 77 **Support for a Fire Department Grant**

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79 Mr. MacGuire advised that the Fire Chief talked about some collaborative work he was doing with
80 surrounding towns on a non-matching grant to enhance radio communications and part of the application
81 process is a document signed by the Selectmen in support of this. He believed the grant was in the
82 neighborhood of \$300,000. The Chief was looking for the Board to adopt the resolution and that it be
83 part of the grant package he was submitting. Mr. Infanti read the Souhegan Communications Cooperative
84 Network – Resolution.

85
86 ***Mr. O'Mara moved to adopt this resolution, second by Mr. Brew.*** Discussion: Mr. Brew thought this a
87 very good idea and questioned the mechanics. If the grant was applied for and received, which entity
88 would receive it. Mr. MacGuire indicated it would go to the individual towns because it would be
89 improvements to all three of them. The primary focus would be Amherst and Bedford because there are
90 issues on both sides. Mr. O'Mara told Mr. Brew that he believed the formation of the SCCN was to have
91 a name on the application and what the Federal Government requires. ***Vote: Unanimous.***

92 93 **Nomination to Souhegan River Local Advisory Committee**

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95 Mr. Infanti read a letter received from George May, Chairman of the Local Advisory Committee asking
96 the Selectmen to nominate Rich Hart to it. Mr. Hart has been a member since it was first formed in 2000
97 and Mr. May cited his importance to them. The letter also stated that there were two more openings for
98 this Committee to represent Amherst. Mr. Infanti noted that if anyone was interested and concerned
99 about the Souhegan River to contact the Town. ***Mr. Brew moved to appoint Rich Hart to the Souhegan***
100 ***River Local Advisory Committee, second by Mr. O'Mara. Vote: Unanimous.***

101 102 **Approval of Voters' Guide Printing**

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104 Mr. MacGuire reported he received a quote that was identical to last year's quote from The Amherst
105 Citizen. They had two options: Eight pages \$1,245.00, sixteen pages \$1,700.00. This year they may get
106 away with eight pages because there were no changes in the zoning ordinance. He advised he had not

obtained other quotes based on two issues. They had a great process for distributing the Voters' Guide last year and had not in the past. Based on a sole bid, they have a one shot narrow window to get to get this to the voters before March 8. There is not a lot of time and they don't have a lot of choices. Last year this ended up in our voters' hands several days before the election. In the past, people received it on the weekend or after the election. He asked the Board's approval to make a decision to stay with this vendor. The bid also includes 5,500 copies of which 5,017 would be mailed, 150 at newsstands, 50 office copies and 418 for Town use.

Mr. O'Mara moved to award the bid for the printing of their Voters' Guide to the Amherst Citizen, second by Mr. Brew. Discussion: Mr. MacGuire answered several questions raised by the Selectmen. Relative to incremental numbers of pages, last year they were short and provided extra information for some of the pages – "it was either or". There was no legal requirement that the Guide be in the voters' hands by a certain timeframe. Sharon noted that the Annual Town Report had to be out seven days prior to the election. Mr. MacGuire read the schedule proposed for the layout, proofing, printing and shipping. He mentioned that Mr. Wales could not guarantee delivery dates once it leaves his hands and the post office. Mr. Infanti noted he was very pleased last year with the quality and timing of getting it into the voters' hands. **Vote: Unanimous.** Mr. Infanti read the distribution list, besides the mailing, as follows: Amherst Town Library, Moulton's Market, The Cider Mill and the Homestead Grocery and Deli.

Approve & Sign Elderly Tax Deferrals

Mr. O'Mara moved to approve an Elderly Tax Deferral in the amount of \$2,984.00 on M/L 2-10-1, second by Mr. Brew. Vote: Unanimous.

Mr. O'Mara moved to approve an Elderly Tax Deferral in the amount of \$7,618.00 on M/L 5-83-3, second by Mr. Brew. Vote: Unanimous.

Mr. Brew moved to approve an Elderly Tax Deferral in the amount of \$2,157.00 on M/L 6-23, second by Mr. O'Mara. Vote: Unanimous.

Approve & Sign Pole Licenses

Mr. Grella moved to approve pole licenses for Jones Road, Washer Cove Road, Steeple Lane and Lakeview Street, second by Mr. O'Mara. Vote: Unanimous.

Accept Unanticipated Funds

Mr. Infanti indicated that \$25.00 was donated to EMS in memory of Marjorie Odell. **Mr. Grella so moved, second by Mr. O'Mara** who amended the motion **to accept and expend. Vote: Unanimous.** The Fire Department received \$15.00 for reports after a structure fire **Mr. Grella moved to accept and expend, second by Mr. O'Mara. Vote: Unanimous.**

Board of Selectmen's Official Vote on Articles

Mr. MacGuire advised that the Selectmen took a vote at the Budget & Pond Hearing to place the articles on the warrant. They had not taken individual votes on whether or not they were supporting each one.

Article 22 Bridge Replacement Bond – Mr. Brew moved that the Selectmen recommend a yes vote on Article 22, second by Mr. O'Mara. Mr. Infanti announced Mr. Bowler's vote was yes. **Vote: 5-0.** W&M's vote 7-0.

Article 23 Operating Budget – *Mr. O’Mara moved that the Selectmen vote in the affirmative for the operating budget number in Article 23, second by Mr. Brew.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 24 Police Union Contract – *Mr. O’Mara moved that the Selectmen support Article 24, second by Mr. Brew.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 25 Public Health Mosquito Surveillance & Control Program – *Mr. Brew moved that the Selectmen recommend a yes vote on Article 25, second by Mr. O’Mara.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 5-2.

Article 26 Lease/Purchase of Rescue/Pumper for the Fire Department – *Mr. O’Mara moved that the Selectmen recommend Article 26, second by Mr. Grella.* . Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 27 Funding for Recreation Land Purchase – Transfer from LUCT Fund to Recreation Fields Acquisition and Construction Capital Reserve Fund – *Mr. O’Mara moved that the Selectmen support Article 27 with a yes vote, second by Mr. Brew.* Mr. MacGuire was unsure of what Mr. Bowler’s vote was on this article. He noted that no numerical votes will be shown on the ballot. The way the original RSA was written was if the legislative body took a vote to say this will happen, the governing body can take a vote to say “yea or nay” to this. He told Mr. Brew that the warrant now has a non-numeric vote. Deirdre Rogusky asked about the tax impact. Mr. MacGuire advised that there was a question about it showing up on the warrant, but it will not show up on the ballot. The interpretation from the Attorney General was that the tax impact will not show up on the ballot. No one has control over the Voters’ Guide is a document produced by the Selectmen and is as factual as it can be. The votes were not on the slides now, but can be put on the handouts as they have value.

Article 28 Discontinue Cemetery Capital Reserve Fund – *Mr. Brew moved that the Selectmen’s recommendation be a yes vote on Article 28, second by Mr. O’Mara.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote: No position.

Article 29 Establish Forestview Cemetery Design Expendable Trust – *Mr. O’Mara moved that the Selectmen recommend a yes vote on Article 29, second by Mr. Grella.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote: No position.

Article 30 Ambulance Capital Reserve Fund – *Mr. Brew moved that the Board of Selectmen recommend a yes vote on Article 30, second by Mr. O’Mara.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 31 Communications Center Capital Reserve Fund – *Mr. O’Mara moved that the Selectmen recommend to the voters a yes vote on Article 31, second Mr. Grella.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 32 Town Computer System Capital Reserve Fund – *Mr. O’Mara moved that Article 32 be a yes vote by the Board of Selectmen, second by Mr. Grella.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 33 Souhegan Valley Transportation Collaborative Subsidy – *Mr. Brew moved that the Board of Selectmen recommends a yes vote on Article 33, second by Mr. Grella.* Mr. Infanti announced Mr. Bowler’s vote was yes. *Vote: 5-0.* W&M’s vote 7-0.

Article 34 Health & Human Service Agencies – Mr. O’Mara moved that the Selectmen recommend a yes vote on Article 34, second by Mr. Grella. Mr. Infanti announced Mr. Bowler’s vote was yes. **Vote: 5-0.** W&M’s vote 5-2.

Article 35 Authorize the Amherst Conservation Commission to expend funds to qualified organizations – Mr. Brew moved that the Selectmen recommend a yes vote on Article 35, second by Mr. O’Mara. Mr. Infanti announced Mr. Bowler’s vote was no. **Vote: 4-1.** W&M took no position.

Article 36 Authorize the Amherst Conservation Commission to expend funds for land purchases outside Amherst – Mr. Brew moved to recommend a yes vote on Article 36. Mr. Infanti announced Mr. Bowler’s vote was no. **Vote: 4-1.** W&M took no position.

Article 37 Library Operating Budget (By Petition) – Mr. Brew, because of the potential outcome on this, ***moved that the Selectmen recommend a yes vote.*** Mr. O’Mara noted this was by petition and he didn’t want to use his position as a Selectman to influence someone’s vote and his position, as said in the past, would be to discuss this as a citizen. Mr. Brew spoke about the advice of Town Counsel and it was possible that they may have to provide the Library with \$1,630,000. He thought this would be very problematic. He indicated he would go along with the other Selectmen, discuss it at the Deliberative Session and withdrew his motion. Mr. Infanti noted that he took no position as a Board member.

Article 38 Library Operating Budget as a Separate Warrant Article (By Petition) – Mr. O’Mara took no position as a member of the Board of Selectmen.

Mr. Infanti indicated they will go back to Article 27 where there was a motion and a second. Mr. MacGuire reported he had talked to Bruce and he had a clear understanding of the differences and it wasn’t critical to take a vote that night. It appeared that he had made up his mind. Mr. Infanti noted they will postpone this vote until the Deliberative Session. Mr. Brew asked about the hard copy handouts. Mr. MacGuire advised that one of the possibilities is that they can have the Board’s support without a numeric vote. Mr. Brew remarked that he would be comfortable to go on record for that night and get a fresh vote later. Mr. Infanti noted they will convene before the meeting on February 9, 2011. Mr. O’Mara mentioned that they knew Bruce’s sentiment on this and it was his understanding that the vote would be 4-1. Mr. MacGuire explained that it didn’t sound like a 4-1 vote when he talked to him. What he explained to Bruce was that his concerns were addressed, but because of his hectic work schedule he didn’t converse further. **Vote: 4-0 in favor of Article 27.** W&M took no position.

Mr. O’Mara moved to record the numeric votes of the Board for each Article under RSA 32:5 V-a on the warrant, second by Mr. Brew. Discussion: Mr. Brew asked if this would include just the Selectmen’s votes or also Ways & Means. **Mr. O’Mara accepted the amendment. Vote: Unanimous.**

Approve & Sign Abatements

After Mr. Infanti read the recommendation from MRI, **Mr. O’Mara moved to approve an abatement on M/L 6-20-2 in the amount of \$1,804.20, second by Mr. Grella. Vote: Unanimous.**

After Mr. Infanti read the recommendation from MRI, **Mr. O’Mara moved to approve an abatement on M/L 8-89-3 in the amount of \$1,624.063, second by Mr. Grella. Vote: Unanimous.**

After Mr. Infanti read the recommendation from MRI, **Mr. Brew moved to approve an abatement on M/L 25-98 in the amount of \$757.76, second by Mr. O’Mara. Vote: Unanimous.**

After Mr. Infanti read the recommendation from MRI, **Mr. Grella moved to approve an abatement on M/L 8-83-11 in the amount of \$3,497.98, second by Mr. Grella. Vote: 3-1, Mr. O’Mara opposed.**

263 **Veterans Tax Credit**

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265 *Mr. O'Mara moved to approve the Veterans Tax Credit on M/L 1-9 in the amount of \$500.00, second*
266 *by Mr. Brew. Vote: Unanimous.*

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268 **Minutes**

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270 *Mr. Grella moved to approve the Selectmen's minutes of January 17, 2011 as printed, second by Mr.*
271 *O'Mara. Vote: Unanimous.*

272
273 **Reports**

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275 Mr. O'Mara reported that he attended the Community Recovery Committee meeting as a citizen. Porter
276 Dodge had told the Selectmen that both the School and Mont Vernon were contributing funds towards
277 this. At the meeting, the group came to the consensus that they would be an on-call committee not as a
278 standing one and would need only one member who would remain on-call for the committee. Therefore,
279 the request for funds was no longer on the table. He noted they had done great work.

280
281 Mr. Infanti thanked them for all they had done during the past year and a half for the communities in time
282 of crisis. He reported the Cemetery Trustees will meet next week and he had nothing further to add about
283 the Planning Board.

284
285 Mr. MacGuire reported he had heard nothing back on the tentative Board of Selectmen's schedule. He
286 hoped they could agree on his emailed schedule to allow the TV folks time to round up people they need
287 to televise the several Board meetings. The members agreed to this. He also gave a quick update on the
288 Town's new website and that during the past ten days, they have been working with their IT vendor and
289 designer and much of it was done. They were now working on the "pretty" part of it.

290
291 **Non-Public Session**

292
293 *Mr. O'Mara moved to go into non-public session at 8:06 p.m. under RSA 91-A:3 II (e), second by Mr.*
294 *Brew. Roll call vote: Mr. Grella – yes; Mr. Brew – yes; Mr. Infanti – yes; Mr. O'Mara – yes.*

295
296 While in non-public session the Board considered a recommended settlement for a BTLA case and
297 provided guidance to the Assessor on resolving.

298
299 *A motion was made to re-enter public session at 8:11 p.m. by Mr. O'Mara, second by Mr. Brew. Roll*
300 *call vote: Mr. Grella – yes; Mr. Brew – yes; Mr. Infanti – yes; Mr. O'Mara – yes.*

301
302 *Mr. Brew moved to adjourn the meeting at 8:12 p.m., second by Mr. Grella. Vote: Unanimous.*

303
304 Respectfully submitted,

305
306
307 Sharon L. Frydlo
308 Executive Assistant